

**Pacific Raceways
October 14, 2014
Questions Raised**

1. Long time request that the County install noise monitoring to record what happens on a long time basis.

See response from past years on this issue: Noise monitoring is not explicitly required in the CUP and specific noise levels or standards are not addressed either. In the past, the County Health Department had been the responsible agency for noise monitoring; however, those programs and staff are no longer funded. Even if the County were to fund a monitoring system and personnel, other than the quiet days and hours, there are not any noise level standards (decibel level for instance) to which the Racetrack must adhere.

Generally, Washington Administrative Code (WAC) 173.60.050(4) and King County Code (K.C.C.) 12.94.020.F. provide racetrack activities and certain exemptions from noise standards.

It is anticipated that with additional uses or development, noise standards and monitoring would be required through the permitting process. For example, the 2008 CUP for the relocated drag strip did include conditions for “continuous-read noise monitoring equipment”.

The CUP relies mostly on mitigating noise impacts through:

- 1) The specific activities allowed under the CUP;
- 2) Limiting the days that racing activities may occur;
- 3) Limiting the hours of operation,
- 4) Directing and using loudspeakers toward the audience, not amplifying race noises,
- 5) The CUP encourages, not requires, implementation of noise control measures, berms, sound walls, mufflers, etc., to a level that meets environmental noise standards without the race track exemption.

2. The loud speakers are still a problem.

Response from last year: The CUP requires that the loudspeaker system be designed and used “so that race sounds are not further amplified, and that sound is directed to spectators and prevented from disturbance from outside SIR boundaries.” This is a function that the County recognizes has received complaints and concerns by area residents. The County will be investigating the issue further and working with Pacific Raceways for better control of loudspeaker noises and to address compliance with this requirement.

This will continue to be on-going complaint and response process. DPER will document violations as best as possible, emphasize compliance with Pacific Raceways and pursue enforcement where violations can be determined.

3. What role does DPER play, if any, to the sale of the property?

DPER does not have a direct role in the sale of the property.

4. Has the Conservation easement been signed off? Status?

Response from meeting: Regarding the conservation easement, DPER, like the others, had hoped there would have been more progress on that issue...just to help educate some people....the conservation easement is a prerequisite or condition of a rezone, required of the race track. The King County Council put a condition on legislation that said the rezone simply will not take effect until such time that the Conservation Easement is established and recorded. There are some nuts and bolts that have to go into recording a conservation easement – things like legal descriptions and surveys. That has been on the work plan of the Department of Natural Resources...they have struggled to elevate that in their priority so it remains not in effect as does the rezone. The rezone is not in effect. Part of the real motivation here is from the land owner – they want the rezone they have an incentive to get the property rezoned that's why they requested it to begin with. Hopefully now that it is up for sale there might be some new motivation to get that moving forward absent the race track initiating it. The County feels that there is some public benefit to that and that is why DNR is taking on the role of also doing it, but it's not a mandate of theirs and they are going to prioritize it accordingly. We are working with them and want to keep the ball moving. They made some progress this year before other priorities intervened. DPER will keep reminding them that this is an item the community desires.

5. Camping in 2013. In December DPER stated that they were "moving forward with enforcement on camping and motocross course expansion", so what is the status on those violations?

Last summer the County granted a permit for expanded race participant camping during two summer national events at the track, encompassing a total of approximately 10 days per year. Soos Creek Area Response appealed the Department's decision to the hearing examiner. The examiner has not yet issued a decision on that question. With regard to all other camping at Pacific Raceways, the County issued a Notice and Order, precluding camping beyond the limited race participant camping allowed by the CUP. The CUP allows for race participant camping in a very limited area of the track. That Notice and Order was not appealed. Similarly, the Department issued a Notice and Order precluding expansion of the motor cross track. That Notice and Order was not appealed. A settlement agreement is in the drafting process.

6. Was there a permit given for the new building near the Emergency Access Gate? Electrical permit? If no, are there different permitting rules for Pacific Raceway?

The CUP does not specifically define or limit to a particular type of access gate.

7. How it is that traffic other than emergency vehicles are allowed thru the Emergency Access Gate which is designated in the CUP Plot Plan?

There doesn't appear to be any language in the CUP about restricting the "Emergency Access Gate" just a notation as such on the site-plan. It appears that it has historically been used for vendor access in addition to emergency access. DPER will look into this, contact Pacific Raceways, and determine if authority allows further restriction.

8. Pacific Raceways has been allowed to operate for months without a business license and without penalty. Why is this allowed to happen? Are there different rules for Pacific Raceways than others?

Pacific Raceways has been delinquent in timely renewal / obtaining their business license in past years. Business license BUSL13-0030 expires 3/15/16 was renewed on 6/15/15. Last year, the permit was issued 4/8/2014.

9. CUP requires Pacific Raceways to have a \$100K bond. My understanding is they have no bond. How is it that they are permitted to have a business license when they are in violation of the CUP?

Title 27A of the King County Code provides the authority to require performance bonds. The purpose of a performance bond is guarantee completion of a specific project. Under the Code if a land development project is not completed as required, the County can take the bond for the sole purpose of completing the project. Title 6 of the King County Code sets forth business license regulations. Title 6 does not provide the County with regulatory authority to require that a bond be posted as a condition of granting a business license. Although there may have been a regulatory basis for the hearing examiner to require posting of a bond at the time the CUP was issued, separate and apart from completion of any required construction projects, the code no longer supports such a practice and the Department has no procedures in place to maintain any bond in perpetuity.

10. Fences are required by the CUP Rules & Procedures and Pacific Raceways is not in compliance.

The fencing has been typically reviewed on an occasional basis either after receiving complaints, or during permit reviews such as the annual grading permits. DPER will be contacting Pacific Raceways to follow up and perform inspections. If individuals know of, or suspect, the locations of fencing failures – please forward those.

11. What is the status of the drag-strip relocation grading permit? Has the bond been returned? Why would it have been? Is it not obvious that this permitted activity was only a ruse to mine gravel without having to do an EIS analysis which would be required for a mining permit?

The grading permit for the drag strip relocation has expired and cannot, at this time, be renewed. DPER is working on a close-out letter and list of requirements for bond release; it is possible that a grading permit may be required for site restoration purposes. Such a permit would be limited to site restoration. Grading permits do not generally require public notice.

The CUP issued for the drag strip relocation is effectively null and void pursuant to its own terms. A building permit for the drag strip was not issued within the required timeframe.

12. How was it that no citizens heard anything about the designation of Pacific Raceway's proposed Innovation Center addition as a Project of Statewide Significance? Pacific Raceways, the County and the State slipped that one in under the radar on us. What

happened to the plan to keep everything relating to the Expansion Plan Ordinance highly visible to the public?

The process for designation as a Project of Statewide Significance" is a State process and decision. The County does not have direct oversight. DPER suggests contacting the Washington State Department of Commerce for questions or details about the administration of that program. www.commerce.wa.gov or 360-725 4000.

13. The CUP requires that all "non-sanctioned races" be approved by the Director of the Seattle-King County Department of Public Health or his representative. Has this process in fact happened?

There is not currently and administrative process for this to occur.

14. King County Code 6.08.090 requires that all races where more than 2,000 spectators are in attendance, an Amusement Place License must be obtained. How many Amusement Licenses did DPER approve this year?

KCC 6.08.090 does not require amusement place licenses. Instead it requires race track operators to submit information as required by the Sheriff, in his discretion, regarding traffic control and crowd protection for events with 2000 plus spectators. This requirement is similar to CUP condition 4(c)(2). Inquiries regarding Pacific Raceways' contracts with KCSO for traffic control and the sheriff's requirements for large events should be directed to the KCSO.

15. Update on status of Notice and Order (Code Enforcement Case # 1000334, Jan. 2011)
Is the matter closed after the State Court of Appeals ruling?
What is the effect of the appeals process and all the rulings handed down?
Have any penalties ever levied (or will there be) against Pacific Raceways and/or ProFormance Racing School as a result of the violations cited in the Notice and Order?

Response provided at meeting: On the quiet day litigation, is it correct to presume that now the Court of Appeals has ruled that there was in fact a violation of the CUP. Since that is the status, are there or will there be any consequences to the raceway violation? I am sure Mr. Fiorito would have a lot to say about that, the way that our code is structured, we have some financial penalties that are tied to violations of the code, they are not particularly large dollar amounts and that's because we have one code that applies to the neighbors down the street that has too many cars and too much junk and large operations presumably profitable operations like a race track. But I do believe that Mr. Fiorito could speak more to what the impacts have been on the track

Legal repercussions are that there are fines on these violations, they are relatively small but because they stopped when the Hearing Examiner's Order was issued, as the violations were drafted in the Notice and order, it's questionable whether there are some days that would still be potentially able to be fined but it would be a day by day violation by violation kind of decision and because it had not been remanded back to the Examiner yet, I don't think there has been a final decision yet on that specific issue. Maybe that is something that we can speak to next year. That's what the mandates for is that it sends the jurisdiction of the case and the case back from the

Court of Appeals back to the Hearing Examiner and the Examiner will have the final word on all that.

16. Review the matter of TEMP14-0011, a permit application by Pacific Raceways for additional camping on their property.

Why was it approved without any public notice or hearing after the dates of the proposed additional camping?

Why was Pacific Raceways not in violation of the Conditional Use Permit (CUP) by allowing the additional camping without an approved permit?

What penalties were, or should have been, assessed if a violation did in fact occur?

TUP-14-0011 was not approved in time for the 2014 National events, but if upheld by the hearing examiner will be in place for the 2015 National events. Public notice was given as required by the King County Code. Although technically Pacific Raceways was in violation of the CUP during the 2014 events, the required remedy would have been to obtain the TUP. Because the TUP application had already been submitted no penalty was assessed.

17. Discuss the implications of the recent designation of Pacific Raceways as the “Pacific Innovation Center” and a Project of Statewide Significance (PSS), as reported in local news media.

What is the effect of the Conditional Use Permit (CUP) on any such future enterprise? Will a new permit be required for such an activity?

How would such an enterprise be governed by the “Demonstration Project” legislation enacted by the King County Council?

Not DPER issue.